IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 5962 of 2005

Between:

T. Paul Raju S/o Yesudas
Machilipatnam, Krishna District

..... PETITIONER

AND

1. The Commissioner and Director of Collegiate Education,

Government of A.P., Nampally, Hyderabad
2 The Secretary and Correspondent, Noble College,

Machilipatnam, Krishna Distirct

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue any Writ or order or direction more particularly one in the nature of Writ of Mandamus directing the 1st Respondent herein to promote the petitioner herein as lecturer in History Department by Transferring to any needy college as per existing Rules after declaring the action of the 1st respondent in not considering the promotion of the petitioner as illegal, void and biased and consequently direct the 1st respondent herein to dispose of the Representation dt 5-7-2004 of the petitioner.

Counsel for the Petitioner:MR.GADEVENKATESWARA RAO

Counsel for the Respondent Nos.1 and 2.: GP FOR HIGHER EDUCATION

The Court at the admission stage made the following O R D E R:

The petitioner filed this writ petition declaring the action of the first respondent in not considering the promotion of the petitioner as lecturer in History Department by transferring to any needy college as per the existing Rules as illegal void and biased. A consequential direction is also sought for disposing of the representation dated 05.07.2004 made by the petitioner.

The petitioner has been working as Junior Assistant since 1975 in the second respondent College. Thereafter, he got P.G.Degree in M.S.History with 58.5 %, M.A.Political Science & B.Ed. The petitioner contends that according to the G.O.'s in force, 10% of the lecturer posts have to be filled up from the non-teaching staff by promotion and the same has to be implemented by the second respondent College, therefore, he made representation dated 05.07.2004 to the first respondent. As the representation was not disposed of, the petitioner has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

Whether the petitioner is eligible to be promoted as lecturer from the non-teaching staff category either in the second respondent college or in any other college or not is required to be gone into by the first respondent.

Therefore, without entering into merits of the case, the writ petition is disposed of directing the first respondent to pass appropriate orders on the representation dated 05.07.2004 of the petitioner after considering the relevant G.O.'s within two months from the date of receipt of a copy of this order. No

costs.

_____ (K.C.BHANU, J)

Dt:23.03.2005

Note:CC in two days

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usd

To

1. The Commissioner and Director of Collegiate Education,

Government of A.P., Nampally, Hyderabad

2 The Secretary and Correspondent, Noble College,

Machilipatnam, Krishna Distirct

3 Two CCs to G.P. for Higher Education, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.